

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
RICHARD ROSARIO,	:	
	:	
Plaintiff,	:	18 Civ. 4023 (LGS)
	:	
-against-	:	<u>ORDER FOR JUDGMENT</u>
	:	
CITY OF NEW YORK, et al.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, a jury trial on the four remaining counts of the Complaint commenced on July 25, 2022.

WHEREAS, on August 11, 2022, the jury returned a verdict in Plaintiff's favor and against Defendant Gary Whitaker on Count II (denial of constitutional rights to a fair trial and due process of law) and Count VII (malicious prosecution under New York law) of the Complaint.

WHEREAS, the jury returned a verdict in favor of Plaintiff and against the City of New York on Count X (respondeat superior under New York law).

WHEREAS, the jury returned a verdict in favor of Defendants Gary Whitaker, Richard Martinez and Charles Cruger on Count III (failure to intercede).

WHEREAS, the jury rendered a verdict in favor of Defendants Richard Martinez and Charles Cruger on Counts II and VII.

WHEREAS, the jury found that Plaintiff had proven by a preponderance of the evidence that he suffered compensatory damages as a result of Defendant Whitaker's conduct.

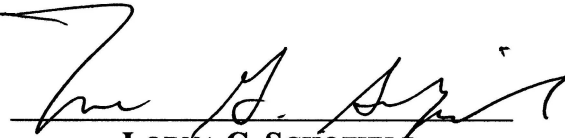
WHEREAS, the jury awarded Plaintiff compensatory damages in the amount of \$5,000,000.

It is hereby

**ORDERED** that:

1. Judgment is entered in favor of Plaintiff and against Defendant Whitaker on Count II and Count VII, and against Defendant City of New York on Count X, in the amount of \$5,000,000.
2. Judgment is entered in favor of Defendants Martinez and Cruger and against Plaintiff on Counts II and Count VII.
3. Judgment is entered in favor of Defendants Whitaker, Martinez and Cruger on Count III.
4. The Court retains jurisdiction over any matter pertaining to this Judgment.

Dated: August 12, 2022  
New York, New York



**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**